

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



CHARLIE SCOTT,

Plaintiff,

v.

Civil Action No. 3:17CV808

MICHEAL PFLIEGER,

Defendant.

MEMORANDUM OPINION

Charlie Scott, a Virginia inmate proceeding pro se, submitted an "AFFIDAVIT OF CRIMINAL COMPLAINT." (ECF No. 1.) By Memorandum Order entered on December 21, 2017, the Court explained to Scott that, to the extent that he desired to file a criminal complaint against the Defendant Michael Pflieger for an alleged violation of federal statutes, he may not do so. See Maine v. Taylor, 477 U.S. 131, 136 (1986); Leeke v. Timmerman, 454 U.S. 83, 86-87 (1981); Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973) (explaining that a "private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another").

Scott appeared to challenge alleged wrongdoings during his criminal proceedings in state court, and it was not clear from Scott's submissions whether he wished to pursue a civil rights action challenging the conditions of his confinement under 42 U.S.C. § 1983 or a petition for a writ of habeas corpus under 28

U.S.C. § 2254. The Court mailed to Scott the standardized form for filing a 42 U.S.C. § 1983 complaint and the standardized form for filing a writ of habeas corpus under 28 U.S.C. § 2254 and directed him to complete and return either the § 1983 complaint form or § 2254 petition form within fifteen (15) days of the date of the entry of the December 21, 2017 Memorandum Order. The Court warned Scott that the failure to file a response would result in dismissal of the action. More than fifteen (15) days have elapsed and Scott has not completed and returned a standardized form or otherwise responded to the Court's Memorandum Order. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of this Memorandum Opinion to Scott.

It is so ORDERED.

Date: *February 27, 2018*
Richmond, Virginia

/s/ RES
Robert E. Payne
Senior United States District Judge